



## **ENERGY AND ENVIRONMENT CABINET**

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WASTE MANAGEMENT  
200 FAIR OAKS LANE, 2<sup>ND</sup> FLOOR  
FRANKFORT, KY 40601  
TELEPHONE NUMBER (502) 564-6716**

### **Irrevocable Letter of Credit for Corrective Action Form DEP 6053-H (11/08)**

#### GENERAL INFORMATION

1. **ASSISTANCE** – Questions regarding this form may be directed in writing to the Division of Waste Management, Solid Waste Branch at the address listed above, or by calling (502) 564-6716.
2. **SUBMISSION** – Please type or print legibly in permanent ink. Submit the original of the completed form to the Division of Waste Management at the address listed above. The document must be free of errors.

We, (Financial Institution)

(Address)

COMMONWEALTH OF KENTUCKY  
Energy and Environment Cabinet  
Division of Waste Management  
200 Fair Oaks Lane, 2<sup>nd</sup> Floor  
Frankfort, Kentucky 40601

Date: - -

IRREVOCABLE LETTER OF CREDIT NO: Director, Division of Waste Management:

Director, Division of Waste Management:

We hereby open our irrevocable letter of credit in your favor for the account of  
for a sum or sums not exceeding a total of dollars (\$) available by your  
draft(s) on us at sight when accompanied by an Energy and Environment Cabinet  
Demand Letter forfeiting the bond posted for assuring performance of the groundwater  
corrective action plan for solid waste permit number .

It is a condition of this Letter of Credit that it will be automatically extended for  
additional periods of up to one (1) year from the then relevant expiry date unless thirty  
(30) days prior to that relevant expiry date, we notify you that we elect not to extend this  
Letter of Credit whereupon you may elect either to obtain cash collateral by drawing your  
on-sight draft on us for an amount not to exceed the unused balance of this Letter of  
Credit, or to let the Letter of Credit expire. For the purposes of this credit, our notice not  
to extend shall mean:



1. That we send our notification to you at the above-listed address by registered mail (return receipt requested) dated not less than thirty (30) days prior to expiration; and
2. That, in the event, prior to fifteen (15) days before the then relevant expiry date, we have not received either your draft or your written notice that you do not intend to draw from your draft on us, we will hand deliver our notification to obtain a receipt from: Director, Division of Waste Management, Energy and Environment Cabinet, or that official's designated representative, not less than five (5) days prior to the then relevant expiry date. In the event we shall have failed to notify you as described above, this Letter of Credit shall be automatically extended for a period of one (1) year; and
3. That, in the event you draw your draft upon us in response to our notice not to extend, such draft need not be accompanied by an Order of Forfeiture.

Drafts must be negotiated not later than (Insert date one year from issue). All drafts drawn under this credit shall state that they are "drawn under " (Letter of Credit ID #), dated , associated with permit number .

This Letter of Credit shall be governed by and interpreted in accordance with the laws of the Commonwealth of Kentucky. Litigation concerning this Letter of Credit shall be taken to the Franklin Circuit Court, Commonwealth of Kentucky.



In the event we become unable to fulfill our obligations under the Letter of Credit for any reason, notice shall be given within one hundred twenty (120) days to the Permittee and Director, Division of Waste Management, at the address indicated in this Letter of Credit.

We hereby agree with the drawers, endorsers and bona fide holders of drafts drawn under and in compliance with the terms of this credit that such drafts will be duly honored on due presentation to the drawee.

**Signature:** \_\_\_\_\_

**Type or print name:**

**Official Position:**

**Date:**     -     -

**Subscribed and sworn to before me by** \_\_\_\_\_

**this the** \_\_\_\_\_ **day of** \_\_\_\_\_, **20**\_\_\_\_\_.

\_\_\_\_\_  
**Notary Public, State-at-Large**

**My commission expires the** \_\_\_\_\_ **day of** \_\_\_\_\_, **20**\_\_\_\_\_.